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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

James Leon Walker,	)	No. CV-04-2817-PHX-DGC (DKD)
	)	
Petitioner,	)	<b>ORDER</b>
	)	
v.	)	
	)	
Meg Savage, Warden, Eyman Complex;	)	
and Attorney General of the State of	)	
Arizona,	)	
	)	
Respondents.	)	
	)	

Pending before the Court are Petitioner James Walker's petition for writ of habeas corpus and United States Magistrate Judge David Duncan's report and recommendation ("R&R"). Docs. ##1, 17. The R&R recommends that the Court deny the petition as untimely. Doc. #17 at 1-4. The Magistrate Judge advised the parties that they had ten days to file objections to the R&R and that the failure to timely file objections to any determination of the Magistrate Judge would be considered a waiver of the right to review of such determination. *Id.* at 5 (citing Fed. R. Civ. P. 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

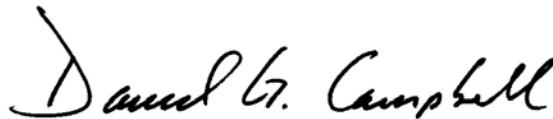
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See* Fed. R. Civ. P. 72(b) ("The district judge . . . shall make a de novo determination . . . of any portion of the magistrate judge's disposition to which specific written objection has been made[.]"); *Reyna-Tapia*, 328 F.3d at 1121 (same); *see also*

1 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does  
2 not . . . require any review at all . . . of any issue that is not the subject of an objection.”).  
3 The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will  
4 accept the R&R and deny the petition. *See* 28 U.S.C. § 636(b)(1) (stating that the district  
5 court “may accept, reject, or modify, in whole or in part, the findings or recommendations  
6 made by the magistrate”); Fed. R. Civ. P. 72(b) (same).

7 **IT IS ORDERED:**

- 8 1. Magistrate Judge David Duncan’s R&R (Doc. #17) is **accepted**.  
9 2. Petitioner James Walker’s petition for writ of habeas corpus (Doc. #1) is  
10 **denied**.  
11 3. The Clerk shall **terminate** this action.

12 DATED this 14<sup>th</sup> day of March, 2006.

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17 David G. Campbell  
18 United States District Judge  
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